

REMARKS

In the non-final Office Action mailed November 10, 2010, the Office noted that claims 11, 15-18 and 22-25 were pending and rejected claims 11, 15-18 and 22-25. In this amendment claims 11, 18 and 25 have been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 11, 15-18 and 22-25 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

REJECTIONS under 35 U.S.C. § 103

Claims 11, 15-18 and 22-25 stand rejected under 35 U.S.C. § 102(b) as being obvious over Endo, U.S. Patent No. 5,902,349 in view of Ozawa JP Patent Publication 2000-193478 in further view of Park, U.S. Patent No. 7,266,448. The Applicant respectfully disagrees and traverses the rejection with an argument and amendment.

Claim 11 has been amended to recite "a distance calculating unit configured to calculate a first distance and a second distance, the first distance being a distance from a deviated point to a first planned route point, the second distance being a linear distance from the deviated point to a second planned route point, when the deviation judging unit judges that the moving object has deviated from the guided route before passing the first planned route point, **where the first**

***planned route point and the second planned route point are set by a user; and a route judging unit configured to judge that the first planned route point is not to be passed when a first distance history shows that the first distance is an increasing trend and a second distance history shows that the second distance is a decreasing trend at the same time, the first distance history being formed of a plurality of the first distances calculated before the moving object reaches the first planned route point, the second distance history being formed of a plurality of the second distances calculated before the moving object reaches the first planned route point.***" (Emphasis added)

Support for the amendment may be found, for example, in ¶ 0038 of the printed publication version of the Specification. The Applicant submits that no new matter is believed to have been added by the amendment of the claims.

The recitation of "where the first planned route point and the second planned route point are set by a user", makes apparent that the first and the second planned route points are different from the node disclosed by Endo.

As such, the combination of Endo with Ozawa is improper, compared with the phrase of "a route judging unit configured to judge that the first planned route point is not to be passed when a first distance history shows that the first distance is an increasing trend and a second distance history shows that the second distance is a decreasing trend at the same

time", as Ozawa does not disclose considering the second distance. Therefore, even *arguendo* Ozawa could be combined with Endo, independent claims of the present application are not obvious. Park fails to disclose the feature of the amended claim 11. Nor does the combination of references teach the features of the amended claim 11.

Claims 18 and 25 have been amended in a manner consistent with the amendment to claim 11. For at least the reasons discussed above, Endo, Ozawa and Park, taken separately or in combination, fail to render obvious claims 11, 18 and 25 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

#### SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 11, 15-18 and 22-25 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/James J. Livingston, Jr./  
James J. Livingston, Jr.  
Reg. No. 55,394  
209 Madison St, Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

JJL/lrs